

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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AMUSEMENT INDUSTRY, INC., etc., at ano.,

Plaintiffs,

-against-

MOSES STERN, et al.,

Defendants.  
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**ORDER**

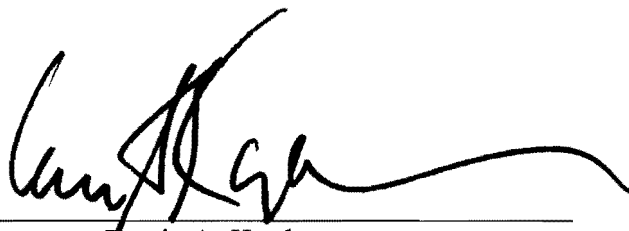
LEWIS A. KAPLAN, *District Judge*.

This matter is before the Court on the motion [DI 448] of defendants Stern, FRG Corp., Frenkel and LTA to dismiss the third amended complaint. Magistrate Judge Gabriel W. Gorenstein, in an extensive Report and Recommendation [DI 551] recommended that the motion be granted in part and denied in part. The only objection is by plaintiffs, who object only with part of the last sentence of footnote 5 in the report which they concede is not necessary to the conclusion reached.

Accordingly, I adopt the report and recommendation without passing on plaintiffs' point with respect to the portion of footnote 5 with which they take issue. The motion before me is granted to the extent set forth in the Conclusion of the report and recommendation and otherwise denied.

SO ORDERED.

Dated: March 11, 2011



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Lewis A. Kaplan  
United States District Judge

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RONICALLY FILED  
\*: FILED #: 3/11/11

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